



## Legislation Details (With Text)

**File #:** 2017-0617    **Version:** 1    **Name:**  
**Type:** Approved    **Status:** Passed  
**File created:** 7/5/2017    **In control:** Board of Commissioners  
**On agenda:** 7/27/2017    **Final action:** 7/27/2017  
**Title:** Appeal of a Decision of the DeKalb County Historic Preservation Commission at 1551 Briarcliff Road

**Indexes:**

**Attachments:** 1. Sequence, 2. Location map, 3. Appeals of June decision, 4. Applicant's response to appeals, 5. CoA & decision form, 6. Staff report and related documents, 7. New application material June, 8. Statements in opposition, 9. Material pulled forward from April

Date	Ver.	Action By	Action	Result
7/27/2017	1	Board of Commissioners	approved	Pass
7/18/2017	1	Committee of the Whole		

**Public Hearing:** YES  NO     **Department:** Planning & Sustainability

**SUBJECT:**

Appeal of a Decision of the DeKalb County Historic Preservation Commission at 1551 Briarcliff Road  
**COMMISSION DISTRICT(S): 2 & 6**

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**STANDARD OF REVIEW:**

Excerpted from code section 13.5-8(12):

The appeal shall be limited to a review of the record of the proceedings before the preservation commission. The standard of review shall be an abuse of discretion. An abuse of discretion exists where the record presented to the governing authority shows that the preservation commission exceeded the limits of its authority or that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) or the guidelines adopted by the preservation commission pursuant to section 13.5-6 or that the preservation commission's decision was otherwise arbitrary and capricious. If the governing authority finds no abuse of discretion, then it may affirm the decision of the preservation commission. If the governing authority finds that the preservation commission abused its discretion in reaching a decision, then it may reverse the preservation commission's decision, or it may reverse the preservation commission's decision and remand the application to the preservation commission with direction.

**PURPOSE:**

Appeal of the June 19, 2017 decision of the preservation commission to approve a certificate of appropriateness at 1551 Briarcliff Road in the Druid Hills Historic District. Based on appeals of an earlier decision, the Board

of Commissioners remanded this application to the preservation commission on May 23, 2017.

**SUMMARY:**

This is a combined review of appeals filed by Frederic and Judy Shaw, Jonathan R. Haynie, Jean Krugman and Kathy McRitchie. Upon remand from the Board of Commissioners, the preservation commission considered and approved revised plans for a lot division of the property and development of the smaller resulting parcel.

The appellants contend the preservation commission's decision was arbitrary and capricious and demonstrated an abuse of discretion. The appellants contend that the commission did not consider the issues specified in the remand and interpreted the guidelines too narrowly. The appellants assert that the preservation commission failed to consider the negative effects of the proposed development and its inappropriately scaled buildings on air and water quality, public health and safety, soil conservation, the adjacent historic neighborhood, the rare urban forest and the stream system. The appellants further assert that the preservation commission's decision was inconsistent with the historic district's goal of protecting the historic landscape design and unbuilt areas through preservation and rehabilitation of the natural elements.

An appellant also suggests that the archeological assessment does not sufficiently address Section 10.0 of the Design Manual because the archeologist worked for the applicant rather than being a disinterested party.

There is no fiscal impact.